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BNSF



SIDNEY L. STRICKLAND, JR.
Associate General Counsel

212157

The Burlington Northern and
Santa Fe Railway Company
700 13th Street NW, Suite 220
Washington, DC 20005-5915
(202) 347-8667 - Telephone
(202) 347-8675 - Fax
Sidney.Strickland@BNSF.com

OCT 5 2004
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VIA UPS OVERNIGHT MAIL

October 4, 2004

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 416X); The Burlington Northern and Santa Fe Railway Company ("BNSF") Abandonment from Souris to Westhope, North Dakota

Dear Secretary Williams:

Please reference STB decision served on June 23, 2004. Condition #5 requires BNSF to submit, prior to beginning salvage activities, site forms for any bridges that are 50 years old or older, as well as for any historical sites, and the final cultural resources report.

By letter dated September 1, 2004, BNSF submitted the final archaeological report to the North Dakota State Historical Society ("SHPO") with a copy to SEA, which included the site forms for the bridges. Enclosed is a copy of SHPO's response to BNSF regarding its review of the archaeological report and their concurrence with "No Historic Properties Affected" determination.

BNSF requests that the above-mentioned condition be removed from the docket.

If you have any questions, please contact me at (202) 347-8667 or Sidney.Strickland@BNSF.com.

Sincerely,

Sidney L. Strickland, Jr.
by BR

Sidney L. Strickland, Jr.

Enclosure

cc: Richard Batie
Merlan E. Paaverud, Jr. (SHPO)
Victoria Rutson (STB, SEA)
Christa Dean (STB, SEA)

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September 14, 2004

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Burlington Northern and Santa Fe Railway Co.
700 13th Street NW, Suite 220
Washington, DC 30005-5915

ND SHPO REF.: 04-0221, -0222, -0287, and -0288, Final Report, Four
Proposed BN&SF Railway Co. Abandonments in Grand Forks, Barnes, Griggs,
Bottineau, and Mercer Counties, ND.

Dear Mr. Strickland:

We have reviewed: *Burlington Northern Santa Fe Railway Company Abandonment at Four Locations in North Dakota, Class I and Class II Cultural Resources Inventories* by Cynthia Kordecki, UND, Department of Anthropology, Anthropology Research and Mark Hufstetler, Renewable Technologies, Inc., August 2004, and have found the report acceptable. We cannot, however, advise your office as to whether the report satisfies BNSF's obligations under Section 106 of the NHPA. That, as with the legally binding determination of eligibility for cultural resources, is a determination that the lead agency makes.

If consulted by the lead agency, the ND SHPO would recommend and concur that sites 32BA162, 32ME2222, and 32ME2223 are not eligible for the National Register of Historic Places. Also, in a letter dated May 12, 2004, the ND SHPO previously recommended to the Surface Transportation Board that we would concur with "No Historic Properties Affected" determination for each of these four projects provided they are of the nature specified and take place in the legal descriptions outlined in the report and correspondence.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in any further correspondence for this specific project. If you have any questions please contact Duane Klinner at (701) 328-3576.

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota)